IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2381 OF 2005

Pradeep Purushottam Thakkar.] .. Petitioner

Versus

1. The Commissioner, BMC & 3 ors.] .. Respondents

Mr. V.A. Thorat, senior counsel i/b Surel N. Shah with Anil Gala for the petitioner.

Mrs. P.A. Purandare for the respondent No.1.

Mr. R.M. Sawant, GP for respondent No.2.

Mr. D.D. Madan i/b M/s. Shah & Singhvi for the respondent No.3..

Mr. Parag R. Masurkar, Assistant Municipal Commissioner present in court.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 22ND FEBRUARY, 2006

P.C. :

. Mr. Parag Raghunath Masurkar, Assistant Municipal Commissioner "T" Ward, Bombay Municipal Corporation is present. Pursuant to our order dated 8th February, 2006, he has filed his Affidavit. In paragraph 4(k) in his Affidavit dated 21st February, 2006, he has stated thus:

"4(k) I state that the construction referred

> by the petitioner in the present petition is not on the plot reserved as Play Ground (Sports Complex) either as per D.P. Plan of 1965 nor as per revised D.P. of 1993. I state that the construction is though carried on CTS no.1111(pt) which is reserved for Shopping On Ground Floor And Public Housing/High Density Housing On Upper Floors under Revised Sanctioned D.P. of T-Ward which is in force at present. The said plot is demarcated by the corporation on 16.01.2004 is annexed and marked as **Exhibit-'A'.**"

2. To avoid future complications, we are of the view that it would be proper if the City Survey Officer, Mulund demarcates the subject plot that is reserved as playground.

3. We accordingly direct the City Survey Officer, Mulund to visit the site and demarcate the playground (shown as PG-Sports Complex at page 164 of the Paper Book]. The demarcation shall be completed by the City Survey Officer, Mulund in the presence of the Assistant Commissioner, "T" Ward, Bombay Municipal Corporation, the petitioner and the respondent No.3 as early as possible and in no case later than four weeks from today.

4. We record the statement of Mr. Parag Raghunath Masurkar, Assistant Municipal Commissioner, "T" Ward that the reserved area of playground admeasures

33,789.88 square meters.

5. With the aforesaid direction, Writ Petition is disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]